

**THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M. VENKATESWARA
REDDY**

WRIT PETITION No. 5928 of 2003

Date: 31-08-2006.

Between :

H. Peda Kasaiah.

.....Petitioner

And

The Registrar (Administration), High Court of A.P.,
Hyderabad & others.

.....Respondents.

**THE HON'BLE SRI JUSTICE BILAL NAZKI
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WRIT PETITION No. 5928 of 2003

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the petitioner as well as the counsel appearing for the respondents.

The case of the petitioner is that he was appointed in the year 1984 as a Process Server, whereas respondent No.3 was appointed much after him in the year 1990, but respondent No.3 was promoted much before him as Copyist, therefore, he was entitled to have been promoted before the 3rd respondent. Earlier, he filed a writ petition in this Court, which was disposed of by a Bench of this Court with the following directions—

“Having heard the learned counsel for the petitioner, we direct that the appeal petition of the petitioner dtd.18.4.95 and the representation dtd.10.1.2001 be placed before this court on the administrative side in terms of Rule 11 of the A.P.Judicial Ministerial Service

Rules.

With the afore mentioned directions the writ petition is disposed of. No order as to costs.”

Thereafter, the petitioner filed an appeal, which has been rejected. Though there is a mention of filing appeal and its rejection in the affidavit filed along with the writ petition, it has not been specifically challenged. The learned counsel for petitioner submits that petitioner was not promoted only because some inquiry was pending against him at the time of promotion and the pendency of inquiry would not be a bar in considering him for promotion and in some cases the respondents had considered people and promoted even during the pendency of inquiry.

In the counter affidavit it has been stated that the post of Copyist is not a post which can be filled up by promotion, but it is a post which has to be filled up either by direct recruitment or by transfer and there was no channel under Rules for promotion for Class IV employees to the post of Copyist. The 3rd respondent was considered earlier to the petitioner and at that time, the petitioner could not be considered for being appointed by transfer as a Copyist as an inquiry was pending against him and that enquiry also ended in holding him

guilty and imposing fine of Rs.35/- on him for unauthorized absence. Subsequently he was promoted in the year 1996. Since there was no promotion given to the petitioner before

3rd respondent, no directions can be given to fix the seniority of the petitioner over and above the 3rd respondent.

Writ petition is accordingly dismissed.

(BILAL NAZKI, J)

(M. VENKATESWARA REDDY, J)

31st August 2006

ajr